



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 9, 1998

Ms. Kristi A. Taylor
Neiman & Barnes
P.O. Box 777
Lewisville, Texas 75067

OR98-1634

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116693.

The Lewisville Police Department (the "department") received a request for Incident Report No. 98-3783. You state that the department has released to the requestor the first page of the offense report with blackened portions. You have not explained what portions of the report you blackened. You assert that information in the report is excepted from disclosure based on sections 552.101 and 552.108.

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. You raise section 58.007(c) of the Family Code. However, this provision applies to records concerning juvenile conduct. In this case, the offender is not a juvenile. However, we believe another provision in the Family Code is applicable, section 261.201, which reads as follows:

(a)The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1)a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

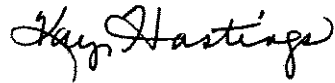
(2)except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

We believe that the requested information consists of reports, records, and working papers used or developed in an investigation made under chapter 261 of the Family Code.

Because you have not cited any specific rule that the city has adopted with regard to the release of this type of information, we assume that no such regulation exists. Given that assumption, the requested information is confidential pursuant to section 261.201 of the Family Code. *See* Open Records Decision No. 440 (1986) at 2 (construing predecessor statute). Accordingly, the department must not release the requested information to the requestor. Gov't Code § 552.101.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/mjc

Ref.: ID# 116693

Enclosures: Submitted documents

cc: Ms. Karen Cummings
1613 Oak Creek Drive
Lewisville, Texas 75067
(w/o enclosures)